

**TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE**



FISCAL NOTE

SB 511 - HB 572

March 1, 2011

SUMMARY OF BILL: Requires law enforcement to record a custodial interrogation, including any rights admonishment and waiver of rights, relating to a felony, a crime resulting in injury or death, or certain delinquent acts, in its entirety by both audio and video means. Requires a law enforcement officer to provide a report if an interrogation was not electronically recorded. Establishes limited exceptions to the recording requirement and to the dual audio and video recording that must be supported by written or electronic reports. Requires the Tennessee Peace Officer Standards and Training (POST) Commission to promulgate rules.

ESTIMATED FISCAL IMPACT:

**Increase State Expenditures – \$4,200/One-Time
\$9,000/Recurring**

**Increase Local Expenditures - \$161,400/One-Time*
\$323,100/Recurring***

Assumptions:

- Every county and municipal law enforcement agency conducts.
- Audio-video equipment will cost approximately \$300 per unit; a box of 100 CDs will cost \$25, and a box of 100 DVDs will cost \$50. Each law enforcement agency will require two cameras and approximately 100 CDs and 100 DVDs per month.
- There are 10 Tennessee public universities with police departments authorized to conduct custodial interrogations. Estimate assumes 25 percent (3) of the universities currently own adequate audio-video equipment, with the remaining seven universities requiring audio video equipment. One-time state expenditures for audio-video equipment total \$4,200 ($\300×7 agencies $\times 2$ per university). Recurring state expenditures total \$9,000 $\{[(12 \times \$25) + (12 \times \$50)] \times 10 \text{ universities}\}$.
- Based on information provided by the Tennessee Municipal Technical Advisory Service, Tennessee Bureau of Investigation, and the Tennessee Association of Chiefs of Police, there are 359 Tennessee agencies authorized to conduct custodial interrogations. Approximately 25 percent (90) currently own adequate recording equipment for custodial interrogations, with the remaining 269 ($359 - 90$) of the departments requiring audio-video equipment.
- One-time expenditures for local governments for audio-video equipment will be \$161,400 ($\300×269 agencies $\times 2$ per agency). Recurring expenditures for all local

agencies for CDs and DVDs each month will be \$323,100 $\{[(12 \times \$25) + (12 \times \$50)] \times 359 \text{ agencies}\}$.

- The cataloging, storage, and preservation costs are estimated to be not significant.
- The POST Commission will hold any necessary rulemaking hearings at regularly scheduled meetings and will not incur any additional costs to conduct rulemaking hearings.
- Any increase in suppression motions resulting from the availability of recordings is estimated to be not significant. Court time utilized for the hearing and ruling upon issues relating to interrogations could be reduced. Due to the exceptions contained in the bill, it is possible that other issues, such as the officer's failure to record or whether exigent circumstances exist, may also be contested.

**Article II, Section 24 of the Tennessee Constitution provides that: No law of general application shall impose increased expenditure requirements on cities or counties unless the General Assembly shall provide that the state share in the cost.*

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



James W. White, Executive Director

/lsc